

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11957 of 2006

Dated: 16-06-2006

Thota Achamma.

..... PETITIONER

AND

The Revenue Divisional Officer, Tenali, Guntur District,
and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11957 of 2006

ORDER:

The petitioner occupied government land in survey No.1038 of East Bapatla allegedly in the year 1953 and carrying on agricultural operations. The second respondent initiated action for eviction of the petitioner. It is alleged that from 1960 till date the second respondent made atleast seven attempts to evict the petitioner under the Andhra Pradesh Land Encroachment Act, 1905 (for brevity, the Act). Be that as it is, again on 23-03-2006, the second respondent issued a notice under Section 7 of the Act and after obtaining explanation from the petitioner, passed orders on 17-05-2006 under Section 6 of the Act ordering eviction from the government land. The petitioner thereafter filed an appeal under Section 10 of the Act before the first respondent and also moved an application under Section 10(2) of the Act for suspension/stay of the order of the second respondent. As immediate orders are not passed, apprehending dispossession the petitioner invoked the jurisdiction of this Court seeking a declaration that the action of the first respondent in not passing orders in stay application as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

Section 10(2) of the Act enables the Appellate Authority to suspend the order of the Mandal Revenue Officer. When the petitioner has made such an application almost three weeks ago, it was incumbent on the part of the first respondent to pass orders urgently, especially when the petitioner is in possession of the government land for over four decades. Therefore, this writ petition is disposed of directing the first respondent to dispose of the application filed by the petitioner for stay of the order of the Mandal Revenue Officer forthwith after receiving a copy of this order. For the present this order would be sufficient redressal to the petitioner. No costs.

(V.V.S.RAO, J)

16th June, 2006

Note:

Issue operative portion by wire at party's costs.

B/o

ghn